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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTURO VEGA-CABRERA

Defendant.

No. CR 06-764 JSW

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
OF PLEA AND SENTENCING DATE
FOR ARTURO VEGA-CABRERA
FROM MARCH 8, 2007, TO MARCH
22, 2007, AND TO EXCLUDE TIME
FROM THE SPEEDY TRIAL ACT
CALCULATION

Plea/Sentencing Date: March 8, 2007

The government and Defendant Arturo Vega-Cabrera hereby stipulate as follows:

1. The parties are currently scheduled for change of plea and sentencing in this Fast Track case on March 8, 2007. As was discussed by the parties at the last hearing on February 8, 2007, the parties and the Probation Officer are attempting to obtain documents underlying the Defendant's prior conviction for Transportation, Sale, and Distribution of a Controlled Substance (Heroin) pursuant to California Health & Safety Code Section 11352 in order to prepare for the present case. Both the government and the Probation Officer have made diligent efforts to obtain those documents, but the documents have not yet been obtained by the San Francisco Superior Court.

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AND TO EXCLUDE TIME

1 2. Under the current schedule, the Probation Officer's Presentence Report would be due
2 today, February 22, 2007. Today, counsel for the government, Erika Frick, spoke with Probation
3 Officer David Ackermann and also with counsel for the Defendant, Steven Kalar. The
4 government, the Probation Officer, and defense counsel all agreed that, in order to prepare
5 effectively for this case, the government should seek a further continuance of two weeks. The
6 requested two week continuance will allow time for the government and defense counsel to
7 obtain and review the underlying conviction documents, and to allow for the Probation Officer to
8 obtain and review those documents and provide an updated Presentence Report.

9 3. The government and defense counsel therefore stipulate that the plea and sentencing
10 hearing currently scheduled for March 8, 2007, should be vacated and reset for March 22, 2007.
11 A continuance is needed because the parties are unable to conduct effective case preparation until
12 the underlying conviction documents are obtained. The parties therefore request a new plea and
13 sentencing date of March 22, 2007, at 2:30 pm.

14 4. The parties also stipulate that time should be excluded under the Speedy Trial Act, 18
15 U.S.C. § 3161(h)(8)(A). Failure to grant the requested continuance would unreasonably deny
16 both the government and defense counsel reasonable time necessary for effective preparation of
17 the case, due to the missing documents mentioned above.

18 5. Given these circumstances, the change of plea and sentencing date should be moved from
19 March 8, 2007, to March 22, 2007. In addition, time should be excluded from Speedy Trial Act
20 calculations from March 8, 2007, to March 22, 2007, because the ends of justice outweigh the
21 best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A) &

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[PROPOSED] ORDER AND
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AND TO EXCLUDE TIME

1 (B)(iv).

2 IT IS SO STIPULATED.

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4 DATED: February 22, 2007

/S/
ERIKA R. FRICK
Assistant United States Attorney

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7 DATED: February 22, 2007

/S/
STEVEN KALAR
Attorney for Arturo Vega-Cabrera

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9 IT IS SO ORDERED.

10 DATED February 26, 2007



THE HON. JEFFREY S. WHITE
United States District Court Judge

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